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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,832	04/05/2004	Stuart Bentley	015291-144	3120

21839 7590 05/23/2005

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EXAMINER	
SOOHOO, TONY GLEN	

ART UNIT	PAPER NUMBER
1723	

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/816,832	BENTLEY ET AL.	
	Examiner	Art Unit	
	Tony G. Soohoo	1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2 sheets*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim interpretation

1. The independent claim 1 is directed to an apparatus claim of a "system" with an intended use of "for loading a mixing truck with concrete with a proper slump". The claim further states "the system comprising". Accordingly, this appears to suggest that the invention defined by the claim chain as to a subcombination of the loading and monitoring system. Evidence is shown by claim 1 that the claim does not claim the combination of a truck element as part of the invention.

2. However claim 9 points out the element of a "slump gauge mounted on an exterior portion of the truck". As best understood the scope of the claim is directed include a "slump gauge" however the environment of a truck itself does is beyond the scope of the claim since the claim is not directed to the combination of a loading system and the truck in which it the loading system acts upon (i.e. the environment in which the loading system acts upon).

3. Also, dependent claims 3 5, 7, 18 and 21 are directed to a combination of an element of a nozzle which is functional to operate to wash the exterior of the truck. Whereas the claimed invention appears to be the subcombination of a system for loading and not directed to a combination cement with slump loading system and truck washer device, the structural details of a nozzle for washing the exterior of the truck appears to be directed to a structural element of different subcombination. The truck washing device which does not perfect or complement the other subcombination of a loading system for loading a truck with concrete with proper slump. Accordingly, the

structural elements of the subcombination to a washing function of the nozzle element has been fully considered and afforded little, if any patentable distinction to the claimed sub-combination.

4. Similarly, in the method claims 25 and 26, the method claim is directed to a METHOD of adjusting slump in a mixing truck. Dependent claims 26-28 are directed to the provision of nozzle which wash and clean the truck. Similar to the discussion in paragraph 3 above the method steps to the provision of cleaning nozzles and steps of cleaning with the nozzle does not perfect the subcombination of adjusting the slump. Thus any recitation of the cleaning nozzles and washing steps has been fully considered and afforded, little if any patentable distinction to the scope of the invention of the adjustment of slump.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-8, and 11-22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Paris 3617031 in view of Baker 6196279.

Paris ('031) discloses a frame A, C, a conduit K for depositing concrete, a water pipe conduit 26, 28 for depositing water to a mixing truck B (or may be used to flow against the exterior of the vehicle if the vehicle is positioned below the conduit 26, 28

thereby washing the truck), 31 and a control panel J, 27, 38, column 3, lines 40-49 to control the flow of water to the mixing truck.

The Paris reference discloses all of the recited subject matter as defined within the scope of the claims with the exception of a camera for viewing the truck, a monitor for monitoring the camera, and monitor placed adjacent the control panel.

The Baker reference discloses a feeding silo system for a truck whereby the truck is positioned below the silo feed frame 18 which includes a remote control tower 12, monitors 52, 54 adjacent the control board 58 in the control tower. The system further includes cameras 17 and 48 which are used to monitor the position of the truck and the confirm the state of the operation of the feed silos, column 4, lines 40-60 and column 5, lines 40-55 and column 6, lines 10-17, and line 31-33. Also a signal post 20, 22, and 34 is used to inform the driver of the truck of the loading operation. The use of such elements together provides a means to confirm the loading and position of the materials into the truck from a frame supported silo arrangement from a remote position.

Accordingly, it is deemed that it would have been obvious to one of ordinary skill in the art to provide modify the control panel position into a control tower and further provide elements of a monitor, camera, and signal post so that plural silos may be used upon the frame to provide grades of cement mixtures into a truck and further be able to monitor the position and state of the dispensing of material to ensure that the material is properly dispersed into the truck.

With regards to claim 3, 5, and 13, and 18 with the recitation of the element of nozzles to the apparatus claim, the use of nozzles to wash the exterior to the truck has

been considered and afforded little patentable distinction whereby the combination of the nozzle does not perfect the cement loading system and performs a function unrelated to the loading itself. With regards to the Paris reference, the reference as modified, discloses all of the recited subject matter as defined within the scope of the claims with the exception of having nozzles. It is noted that it is notoriously old and well known to use nozzles at the end of a pipeline as a means to direct a flow of fluid at the end of a conduit. Accordingly, it is deemed that it would have been obvious to one of ordinary skill in the art to provide for the Paris reference's water conduit with nozzles at the end of the conduit such that the water may be more precisely directed away from the conduit 26, 28. It is also noted that the fluid conduit with a nozzle is capable of use to dispense water on the exterior of the truck if the truck surface is positioned below the conduit and nozzle thereby washing/rinsing the surface.

With regards to the claims 8,10, 11 and 12, 16, and 22, 24, the Paris reference as modified discloses all of the recited subject matter as defined within the scope of the claims with the exception of a controller to position the camera to view different locations and the particular location in which the camera is pointing. It is old and well known to provide a means to move a view camera to point to different locations so as to monitor a greater field of vision and to provide a means to focus on a particular object.

Accordingly, it is deemed that it would have been obvious to one of ordinary skill in the art to provide for the Paris reference as modified, with a means to control the position of focus of the camera so that the operator may view various location. With regards to where the camera is "arranged to view" in which it is pointed, limitation is

deemed as a functional limitation and it is deemed that the camera is capable of being pointed to any direction as desired.

With regards to claims 7, 15 and 21, the Paris reference as modified discloses all of the recited subject matter as defined within the scope of the claims with the exception of a detector detecting the presence of the mixing truck. It is noted that the operator the control tower as taught by Baker is deemed as a detector in the system which confirms the presence of the truck. The recitation of the use of the detector to turn on/off the is in narrative form and does not positively claim a structural connection to the control system controlling the nozzles. Nonetheless, it is old and well known to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result. In re Venner, 120 USPQ 192. Accordingly, it is deemed that it would have been obvious to one of ordinary skill in the art to provide for the Paris device with a substitute the human sensor with an automatic sensor operator so that the flow to the nozzle may be operated without the presence of a human operator.

7. Claims 9-10, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paris 3617031 in view of Baker 6196279 as applied to claims 1, 17 above, and further in view of Fay 4356723.

Paris 3617031 in view of Baker 6196279, discloses all of the recited subject matter as defined within the scope of the claims with the exception of a slump gauge element. The Fay reference is shown as evidence that it is old and well known to provide a slump gage 72 which may be used to monitor the slump of concrete in a mixing drum of a mixer truck.

Whereby the Paris reference is directed to the filling of concrete mixer vehicle devices, it is deemed that it would have been obvious to one of ordinary skill in the art to substitute for the vehicle of Paris with the truck and slump gauge of Fey so as to provide a means to transport and additionally monitor the slump of the concrete. With regards to where the camera is "arranged to view" in which it is pointed, limitation is deemed as a functional limitation and it is deemed that the camera is capable of being pointed to any direction as desired.

8. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over in JP08047920 (JP '920) .

The JP '920 teaches that the use of a dispensing station whereby slump may be adjusted at the station. The method involves a camera 8 to view the mixer drum 6 and a control 13, 14 which at least controls the amount of water to adjust the slump.

The JP '920 discloses all of the recited subject matter as defined within the scope of the claims with the exception of moving a truck to the station.

It is old and well known to provide cement mixes in a mixing truck thereby providing an ability to transport the cement mixture to an off site location. Accordingly, it is deemed that it would have been obvious to one of ordinary skill in the art to add to the method of the JP '920 reference with the provision of the step of moving a cement mixer truck to the station as the mixer in which the slump is monitored, so that a cement with proper slump is provided into a mixer truck for delivery. With regards to the camera being on the frame, the structural location of the camera is directed to does not manipulatively affect the step of viewing provided by the camera, thus it is deemed that

the placement of the camera upon any appropriate support structure is deemed obvious so as to provide a proper view of the mixture to determine the slump.

With regards to the term "remote location", it is deemed as a relative phrase and the location of the controller and keyboard 14, 13 is deemed as being remote from the mixer location a 6.

With regards to claims 26-28, the manipulation of nozzles in order to wash the truck has been fully considered and has been deemed as directed to a combination of an invention and operation beyond that of which is claimed in the scope of the invention of claim 1. The washing of a truck with nozzles is beyond the scope of a method of adjusting slump. Accordingly, the recited language of claims 26-28 has not been afforded any patentable limitation to the method of claim 25.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP06099424, US 2002/0151824, Hines 6042259, smith et al 5171121, Musil et al 5667298, Stratton 3403546, Hines et al 6042258, Morgenstern 3767170, Furlani 5797676.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G. Soohoo whose telephone number is (571) 272 1147. The examiner can normally be reached on 7:00 AM - 5:00 PM, Tues. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tony G Soohoo
Primary Examiner
Art Unit 1723

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